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Attorney for Plaintiff and Putative Class

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

WYATT BULS, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

DHTLA MOTORS, LLC d/b/a HYUNDAI OF
DOWNTOWN LA

Defendant.

Case No.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

1. Wyatt Buls (“Plaintiff”) brings this class action against DHTLA Motors, LLC (“Defendant”) under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

2. Upon information and good faith belief, Defendant routinely violates 47 C.F.R. § 64.1200(c) and, in turn, 47 U.S.C. § 227(c)(5), by delivering, or causing to be delivered, more than one advertisement or marketing call to residential or cellular telephone numbers registered with the National Do-Not-Call Registry (“DNC Registry”) without prior express invitation or permission required by the TCPA.

PARTIES

3. Plaintiff is a natural person.

1 telemarketing act or practice and a violation of this Rule for a telemarketer to . . . initiat[e] any
2 outbound telephone call to a person when . . . [t]hat person’s telephone number is on the “do-not-
3 call” registry, maintained by the Commission.’). Private suits can seek either monetary or
4 injunctive relief. *Id.* This private cause of action is a straightforward provision designed to achieve
5 a straightforward result. Congress enacted the law to protect against invasions of privacy that were
6 harming people. The law empowers each person to protect his own personal rights. Violations of
7 the law are clear, as is the remedy. Put simply, the TCPA affords relief to those persons who,
8 despite efforts to avoid it, have suffered an intrusion upon their domestic peace.” *Krakauer v. Dish*
9 *Network, L.L.C.*, 925 F.3d 643, 649-50 (4th Cir. 2019).

11 PLAINTIFF’S ALLEGATIONS

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13 9. Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47
14 U.S.C. § 153(39).

15 10. Plaintiff’s telephone number is (402) 577-XXXX.

16 11. Plaintiff personally listed his telephone number on the National Do-Not-Call
17 Registry on March 5, 2024, and has not removed it from the Registry since that time.

18 12. Plaintiff uses this telephone number for personal, residential, and household
19 purposes.

20 13. Plaintiff’s telephone number is not associated with any business, nor does
21 Plaintiff use this number for business purposes.

22 14. Despite this, over the last twelve (12) months, Plaintiff has received at least two
23 (2) telephone solicitations on his cellular telephone, (402) 577-XXXX, from, or on behalf of,
24 Defendant.

25 15. Plaintiff has never been a customer of Defendant and never consented to receive
26 calls or text messages from Defendant.

1 16. Yet, these calls and text messages were placed for the purpose of advertising
2 Defendant's goods and services to Plaintiff.

3 17. For example, on April 4, 2024, at 6:54 p.m., Plaintiff received the following text
4 on his cellular telephone, (402) 577-XXXX, from Defendant:

5 Hi Socorro, ready to schedule your test drive at Hyundai of
6 Downtown LA?.. Let's find the perfect car!

7 18. This text came from the phone number (213) 559-1232.

8 19. On April 7, 2024, at 5:20 p.m., in an attempt to confirm the identity of the
9 company texting him, Plaintiff responded to Defendant requesting the address of the company
10 contacting him.

11 20. On April 7, 2024, Defendant responded with the following message:

12 We're located at 3850 S. Figueroa Street Los Angeles, CA 90037.
13 Let me know your preferred day and time for scheduling an
14 appointment. Or, would you like to be called at your number, 402-
15 577-XXXX, before you schedule an appointment?

16 21. Plaintiff responded with the following opt-out request on April 7, 2024:

17 Thank you, this number has been on the national do not call registry
18 for over 31 days at this point. Do not send any further text messages,
19 phone calls or voicemails from your company to this number. Thank
20 you.

21 22. Shortly after, Defendant confirmed Plaintiff's opt out request with the following
22 message.

23 Understood. We respect your preferences. Should you have any
24 queries in the future, feel free to reach out. We're here to assist you.

25 23. Despite this, Plaintiff continued to receive telephone solicitations from Defendant.

26 24. For example, on May 5, 2024, at 3:39 p.m., Plaintiff received the following
27 voicemail on his cellular telephone, (402) 577-XXXX, from Defendant:

28 Hi, this is for Socorro. My name is Jesus calling from Hyundai from
 Los Angeles. If you are still in the market for a Palisade, want to test
 drive or you're interested in a vehicle or have any questions, you can
 call or text me at (823) 507-9695. Thank you. Have a great day.

1 33. **Typicality:** Plaintiff's claims are typical of the claims of other Class members in
2 that Plaintiff, and Class members, sustained damages arising out of Defendant's telemarketing
3 calls and Class members sustained similar injuries and damages as a result of Defendant's
4 uniform illegal conduct.

5 34. **Adequacy:** Plaintiff will fairly and adequately represent and protect the interests
6 of the Class and has retained counsel competent and experienced in complex class actions to
7 vigorously prosecute this action on behalf of the Class. Plaintiff has no interests that conflict
8 with, or are antagonistic to those of, the Class, and Defendant has no defenses unique to Plaintiff.
9

10 35. **Commonality and Predominance:** There are many questions of law and fact
11 common to the claims of Plaintiff and members of the Class, and those questions predominate
12 over any questions that may affect individual members of the Class. Common questions for the
13 Class include, but are not necessarily limited to, the following:

14 a. whether Defendant systematically made multiple telephone calls to
15 members of the National Do Not Call Registry Class;

16 b. whether Defendant made calls to Plaintiff and members of the National
17 Do Not Call Registry Class without first obtaining prior express written consent to make
18 the calls and;
19

20 c. whether members of the Class are entitled to treble damages based on the
21 willfulness of Defendant's conduct.
22

23 36. **Superiority:** Class action treatment is superior to the alternatives for the fair and
24 efficient adjudication of the controversy alleged herein. Such treatment will permit a large
25 number of similarly situated persons to prosecute their common claims in a single forum
26 simultaneously, efficiently, and without the duplication of effort and expense that numerous
27

1 individual actions would entail. There are hundreds of Class members, such that joinder of all
2 members is impracticable.

3 37. In addition to satisfying the prerequisites of FED. R. CIV. P. 23(a), Plaintiff
4 satisfies the requirements for maintaining a class action under FED. R. CIV. P. 23(b) because:

5 a. The prosecution of separate actions by the individual Class members would
6 create a risk of inconsistent or varying adjudication which would establish incompatible standards
7 of conduct for Defendant;

8 b. The prosecution of separate actions by individual Class members would
9 create a risk of adjudications with respect to them which would, as a practical matter, be dispositive
10 of the interests of other Class members not parties to the adjudications, or substantially impair or
11 impede their ability to protect their interests;

12 c. Defendant has acted or refused to act on grounds that apply generally to the
13 proposed Class, thereby making final injunctive relief or declaratory relief herein appropriate with
14 respect to the proposed Class as a whole; and

15 d. Questions of law or fact common to the members of the Class predominate
16 over any questions affecting only individual members, and that a class action is superior to other
17 available methods for the fair and efficient adjudication of the controversy.
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21 **COUNT I**
22 **Violations of the TCPA, 47 U.S.C. § 227**
23 **(On Behalf of Plaintiff and the National DNC Class)**

24 38. Plaintiff realleges and incorporates by reference each and every allegation set
25 forth in the preceding paragraphs.
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39. It is a violation of the TCPA to initiate any telephone solicitation to a residential telephone subscriber who has registered his or her telephone number on the National Do Not Call Registry. 47 C.F.R. 64.1200(c)(2).

40. Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf violated the TCPA by causing multiple telephone solicitation calls to be initiated to Plaintiff and members of the National DNC Class in a 12-month period, despite the person's registration of his or her telephone numbers on the National Do Not Call Registry.

41. These violations were willful or knowing.

42. As a result of Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf's violations of the TCPA's national do-not-call rule, Plaintiff and members of the National DNC Class are each entitled to an injunction and up to \$500 in damages for each such violation. 47 U.S.C. § 227(c)(5).

43. Because such violations were willful or knowing, the Court should treble the amount of statutory damages, pursuant to 47 U.S.C. § 227(c)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the National DNC Class, respectfully requests that the Court enter judgment against Defendant for:

- A. Certification of the Class as alleged herein;
- B. Appointment of Plaintiff as representative of the Class;
- C. Appointment of the undersigned as counsel for the Class;
- D. Damages to Plaintiff and members of the Class pursuant to 47 U.S.C. § 227(c)(5);
- E. Attorneys' fees and costs, as permitted by law; and
- F. Such other or further relief as the Court deems just and proper.

1 **PLAINTIFF**, individually and on behalf of all
2 others similarly situated,

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4 DATED this 9th day of April, 2025.

5
6 By: /s/ Dana Oliver

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15 *Attorney for Plaintiff and the putative Class*
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